REMARKS

In the Office Action dated November 28, 2005, claims 1-30 were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent No. 6,654,816; claims 1-30 were provisionally rejected under the judicially created doctrine of double patenting over claims of co-pending U.S. Application Serial No. 10/682,348; claims 1, 5, 8, 9, 20, and 23 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,807,629 (Billick); claims 1-5 and 8-30 were rejected under § 102 over U.S. Patent No. 6,438,711 (Woodruff); and claim 6 was rejected under § 103 over Woodruff in view of U.S. Patent Application Publication No. 2002/0029295 (Tagnazzini).

REQUEST FOR CLARIFICATION OF THE TERMS "EMULATION," "EMULATING," AND "EMULATE"

The Office Action requested clarification of the terms "emulation," "emulating," and "emulate." Note that the terms "emulation" and "emulating" are not used in the claims. Applicant respectfully submits that the term "emulate" has its ordinary meanings. *See, e.g.,* High-Tech Dictionary Definition for "emulate" ("to pretend to be something else") (attached); Merriam-Webster OnLine Dictionary for "emulate" ("imitate") (attached).

Since a person of ordinary skill in the art would recognize that the term "emulate," as used in the claims, is consistent with its ordinary definitions, it is respectfully submitted that the use of this term in the claims is not indefinite.

DOUBLE PATENTING REJECTIONS

It is respectfully submitted that the present claims are non-obvious over claims 1-8 of U.S. Patent No. 6,654,816. Specifically, with respect to claim 1 of the present application, the claims of U.S. Patent No. 6,654,816 do not disclose or suggest a handheld device with a communication port configured to perform infrared communications with the computer via the computer communication port, where the handheld device interfaces with the computer during *POST*. With respect to claim 8 of the present application, the claims of U.S. Patent No. 6,654,816 do not disclose or suggest code executable on a processor to communicate with a PDA device through an interface during *power up initialization* of the system. With respect to independent claim 20 of the present application, the claims of U.S. Patent No. 6,654,816 do not disclose or suggest a processor in a handheld device to interact with code in a computer to perform tasks in the computer during *power up initialization* of the computer. With respect to claim 23, the claims of U.S. Patent No. 6,654,816 do not disclose or suggest executing code to perform infrared communications with a handheld computer device through an interface of the system during *power up initialization* of the system.

Although Applicant believes the claims of the present application are not obvious in view of the claims of U.S. Patent No. 6,654,816, this does not concede that the claims of the present application are not within the scope of the claims of U.S. Patent No. 6,654,816.

With respect to the provisional double patenting rejection over the '348 application, Applicant will wait until grant of the '348 application before submitting a terminal disclaimer. Please note that if the present application is the first to grant, then a terminal disclaimer will not be needed.

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

Claim 1 was rejected as being anticipated by Billick. (Please note that Billick was not listed in the Notice of References Cited attached to the Office Action. Applicant requests that another Notice of References Cited be issued that cites the Billick reference). Billick does not disclose a handheld device with a communication port to perform infrared communications with the computer via a computer communication port. Billick contemplates use of a wired USB port to connect an external plug-in device 210 to the computer 100 in Billick. Therefore, claim 1 is

not anticipated by Billick. Independent claims 20 and 23 are also not anticipated by Billick for similar reasons.

Claim 8 was also rejected over Billick. Amended independent claim 8 now recites code executable on a processor to communicate with a PDA device through an interface during power up initialization of the system, where the code is executable by the processor to receive commands from the PDA device during power up initialization of the system. Although Billick teaches that a display device, such as a 7-segment display, can be connected to a USB port of a computer to display POST 80h codes that are output by the computer, there is no teaching in Billick of receiving commands from a PDA device during power up initialization of the system. Therefore, claim 8 is not anticipated by Billick.

With respect to the rejection of claim 8 over Woodruff, the Examiner pointed to the broad definition of "handheld device" in the Specification of the present application. To address this, Applicant has amended "handheld computing device" in claim 8 with "PDA device." It is respectfully submitted that the remote management console 120 of Woodruff is *not* a PDA device. Therefore, claim 8 is not anticipated by Woodruff.

Woodruff also does not disclose the subject matter of independent claims 1, 20 or 23. Note that the remote management console 120 of Woodruff communicates over a transmission medium 130, which is an Ethernet connection, modem connection, or other connection (Woodruff, 2:55). However, Woodruff does not teach that this transmission medium can perform infrared communications.

Dependent claims, including newly added dependent claims 31-35, are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is therefore respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (200304323-3).

Respectfully submitted,

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emulate

To pretend to be something else. A computer system or program can emulate another computer system in order to run its programs, or to make a network connection between terminals.

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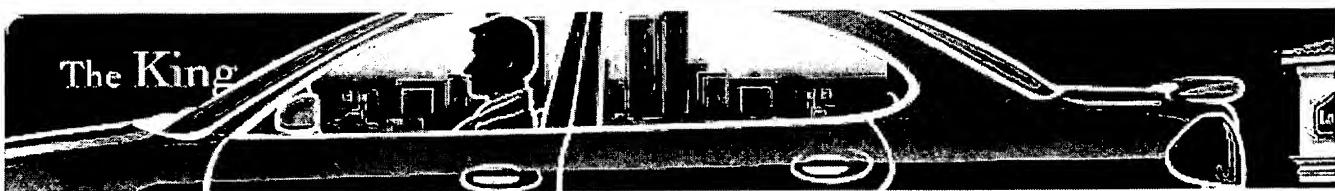
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Main Entry: [1]em·u·late ◀))
Pronunciation: 'em-y&-"1At
Function: *transitive verb*
Inflected Form(s): **-lat·ed; -lat·ing**
Etymology: Latin *aemulatus,* past participle of *aemulari,*
from *aemulus* rivaling
1 a : to strive to equal or excel **b : IMITATE**; *especially* **:** to
imitate by means of an underlined emulator
2 : to equal or approach equality with

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